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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 15th January, 1958 :—

Issue No.	No. and date	Issued by	Subject
19	S. R. O. 167, dated the 10th January, 1958.	Ministry of Railways	Appointment of Claims Commissioner to deal with claims for compensation due to accident involving 2 D.U. Down Passenger Train and 45 U. P. Delhi-Pathankot Janata Express in the Northern Railway.
20	S. R. O. 168, dated the 11th January, 1958.	Ministry of Information and Broadcasting.	Certification of a film to be of the description specified therein.
21	S.R.O. 169, dated the 13th January, 1958.	Ministry of Finance .	Amendment made in the Customs Duties Drawback (Dichromates) Rules, 1957.
	S.R.O. 170, dated the 13th January, 1958.	Ditto .	Draft of the Customs Duties Drawback (Spectacle Frames) Rules, 1958.
22	S.R.O. 171, dated the 6th January, 1958.	Election Commission, India.	Election Petition No. 427 of 1957.
23	S.R.O. 172, dated the 14th January, 1958.	Ministry of Food and Agriculture.	The Rice and Paddy (Assam) Price Control Order, 1958.
24	S.R.O. 251, dated the 15th January, 1958.	Ditto .	The Rice and Paddy (West Bengal) Price Control Order, 1958.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners)****ELECTION COMMISSION, INDIA***New Delhi, the 10th January 1958*

S.R.O. 278.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, (43 of 1951), incurred by the person whose name and address are given below, as notified under notification No MD-P/210/57(127) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act —

Shri P Rangaswamy, Advocate, Thuraiyur (Madras)

[No MD P/210/57(127 R)/1627]

S.R.O. 279.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, (XLIII of 1951), incurred by the person whose name and address are given below as notified under notification No AA-P/20/57(179), dated the 17th October, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act —

Shri Paidi Lakshmayya, Advocate, Anantapur

[No AA-P/20/57(179 R)/1633]

S.R.O. 280.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act 1951, (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No AS B/45/57(109), dated the 23rd September, 1957 has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act —

Shri Dharmananda Upadhaya, 1116-A, Jubilee Road, P O Digboi, Digboi Town

[No AS-P/45/57(109-R)/1639]

S.R.O. 281.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No HP P/398/57(185) dated the 30th October, 1957 has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act —

Shri Hira Singh Pal, Village Domehar, Teh Arki, Distt Mahasu

[No HP-P/398/57(185-R)/1668].

A KRISHNASWAMY AIYANGAR, Secy.

MINISTRY OF LAW*New Delhi, the 21st January 1958*

S.R.O. 282.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notification of the Government of India in the Ministry of Law, No S R O 699, dated the 8th April, 1953 the President hereby directs that the functions assigned to the Central Government by Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), shall be discharged, in relation to a Union Territory other than Delhi, by the administrator of that Union Territory, by whatever designation he may be appointed

[No F 49(2)/56-J.]

S.R.O. 283.—In pursuance of rules 2 and 8 read with clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) and in supersession of the notification of the Government of India in the Ministry of Law, No. S.R.O. 1036, dated the 2nd June 1953, the Central Government hereby authorises the officers appointed as Government Pleaders by the notification of the Government of India in the Ministry of Law, No. S.R.O. 3920, dated the 5th December, 1957, to act in any Court for which they have been so appointed,—

(a) for the Central Government in respect of any judicial proceeding by or against the Central Government, not being a judicial proceeding (other than a judicial proceeding in the City Civil Court, Calcutta) relating to—

1. The Central Railway,
2. The Eastern Railway,
3. The North-Eastern Railway,
4. The Northern Railway,
5. The South-Eastern Railway,
6. The Southern Railway,
7. The Western Railway,
8. The Chittaranjan Locomotive Works, Chittaranjan,
9. The Ganga Bridge Project, Halidah, or
10. The Integral Coach Factory, Perambur; and

(b) where the Central Government undertakes the defence of a suit against a public officer in the service of the Central Government, for such public officer.

[No. F.49(2)/56-J.]

B. N. LOKUR, Joint Secy.

ERRATUM

New Delhi, the 21st January 1958

S.R.O. 284.—In clause (b) of the proviso to rule 90 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, as inserted by the notification of the Government of India in the Ministry of Law, No. S.R.O. 3595, dated the 9th November 1957, published in the Gazette of India, Extraordinary, Part II—Section 3, dated the 9th November, 1957, for the figure "27" read the figure "37".

[No. F.7(22)/57-Elections.]

E. VENKATESWARAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 17th January 1958

S.R.O. 285.—In exercise of the powers conferred by Sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (11 of 1878), the Central Government hereby makes the following further amendments in the Indian Arms Rules, 1951, namely:—

In the said Rules,—

(1) in rule 2, sub-rule (1), for the words and letter "a Part B State", the words "the States of Andhra Pradesh and Jammu and Kashmir" shall be substituted;

(2) in rule 5, sub-rule (2) (aa); rule 10, sub-rule (1) (aa); rule 11, sub-rule (2) rule 12, sub-rule (1)(b)(ia), rule 16, sub-rules (5)(a)(ia), (5) (b) and (5) (c); rule 17, sub-rule (1); rule 20, sub-rule (2) (aa); rule 21, sub-rules (1) (aa) and (2) (aa), rule 22, sub-rule (1) (aa); rule 24, sub-rule (2) (a); rule 28, sub-rule (2) (aa); rule 32, sub-rule (1) (aa); and rule 37, sub-rule (1)(b),—

(i) for the words and letter "a Part B State" or "Part B States" wherever they occur, the words "the State of Jammu and Kashmir" shall be substituted;

(ii) for the words "Government of the State concerned", the words "State Government" shall be substituted;

(3) in rule 8,—

- (i) in clause (b), for the words "at the ports of Kozhikode, Cochin", the words "at other ports in the States of Bombay and Kerala and at the ports of" shall be substituted;
- (ii) in clause (c), after the word "Madras", the words "and Andhra Pradesh respectively" shall be inserted,
- (iii) sub-rule (d) shall be omitted,

(4) in rule 9,—

- (i) in sub-rules (a) and (b), for the words "Travancore-Cochin, Saurashtra and Kutch", the words "Kerala and Bombay" shall be substituted,
- (ii) the expression "the Government of State concerned" shall be omitted.

(5) in rule 14, sub-rule (1)—

- (i) in clause (b), for the words "at the port of Kozhikode, Dhanushkodi, Tuticorin or Cochin", the words "at other ports in the States of Bombay and Kerala and at the ports of Dhanushkodi and Tuticorin" shall be substituted,
- (ii) clause (bb) and the word "or" occurring at the end of that clause shall be omitted;
- (iii) in sub-rule (2)(a), for the expression "clauses (a), (b) and (bb)", the expression "clauses (a) and (b)" shall be substituted,
- (iv) in sub-rule (3), clause (aa) and the word "or" occurring at the end of that clause shall be omitted,

(6) in rule 15,—

- (i) in sub rule (1)(a), for the portion beginning with the words "any of the ports" and ending with the words "or Saurashtra", the words "the port of Madras or Calcutta or any port in the State of Kerala or Bombay" shall be substituted,
- (ii) in sub-rule (4)(c), the words and letter "or if the port of export is in a part B State, the Government of the State concerned" shall be omitted,

(7) in rule 19, in sub-rule (2), the words "and save in the case of arms or ammunition consigned to any place in the State of Ajmer from outside the State" occurring before clause (aa) shall be omitted,

(8) (a) in rule 26, sub-rules (2) and (3), and in rule 30, after the words "State of Madras" the words "or Andhra Pradesh" shall be inserted,

(b) in rule 41, in sub-rule (1), in the last paragraph, after the word "Madras", the words "Andhra Pradesh" shall be inserted,

(9) (a) in rule 31, sub-rule (1)(aa), rule 32, sub-rule (2)(c) and rule 35, sub-rules (1)(c) and (2)(b) (iii) —

- (i) for the portion beginning with the words "in any of the States of Hyderabad" and ending with "Travancore Cochin", the words "in the State of Jammu and Kashmir" shall be substituted,
- (ii) for the words "Government of the State concerned", the words "State Government" shall be substituted,

(b) in rule 40 sub-rule (3),—

- (i) for the portion beginning with the words "the States of Hyderabad" and ending with "Travancore-Cochin", the words "the State of Jammu and Kashmir" shall be substituted, and
- (ii) for the words "Government of the State concerned", the words "State Government" shall be substituted;

(10) (a) in rule 32, sub-rule (2)(b), for the words and letters "in a part A State or Part C State", the words and brackets "in a State (other than the State of Jammu and Kashmir) or Union Territory" shall be substituted,

(b) in rule 35, sub-rule (2)(b)(ii) for the words and letters "in any other place in Part A State or Part C State", the words and brackets "in any other place in a State (other than the State of Jammu and Kashmir) or Union Territory" shall be substituted,

(c) in rule 40, in clause (b) of the proviso to sub-rule (3), for the words and letters "in a Part A State or Part C State", the words and brackets "in a State (other than the State of Jammu and Kashmir) or Union Territory" shall be substituted;

(11) in rule 32-A, clause (b) of sub-rule (1) and the word "and" at the end of that clause shall be omitted;

(12) in rule 37, sub-rule (1)(b)(ii), the words and letters "in a Part A State or Part C State" shall be omitted;

(13) in rule 32-A, sub-rule (2); rule 41, sub-rule (1)(b); rule 41-A, sub-rule (3); and Schedule 1, item 2(d), condition (ii) in column 3,—

The words and letters "in a Part A State or Part B State" and "in a Part A State or a Part B State" shall be omitted, and for the words and letters "Part C State" the words "Union Territory" shall be substituted;

(14) in Schedule I—

(i) in sub-item (b) of item (1), for the words and letters "Part A State" in column: 1, the words "a State" shall be substituted;

(ii) the entries relating to sub-items (c) and (d) of item (1) shall be omitted;

(iii) in sub-item (e) of item (1), for the words and letter "Part C States" the words "Union territories" shall be substituted;

(iv) in item 4, for the word "State" in column 3, the word "district" shall be substituted;

(15) in Schedule II—

(i) in the first item, in column 1, for the words "States of Patiala and East Punjab States Union, Punjab and", the words "State of Punjab and Union territory of" shall be substituted;

(ii) in item 3,—

(a) in column 1, for the existing entry, the entry "The State of Punjab and Union territory of" shall be substituted;

(b) in column 2, in item (vii), for the words and letters, "or the Government of a Part A State or Part C State" the words "or the State Government" shall be substituted;

(iii) in item 4, in column 1, for the existing entry 1, the entry "The State of Punjab and Union territory of Himachal Pradesh" shall be substituted;

(iv) item 8 shall be omitted;

(v) in item 9,—

(a) in column 1, for the existing entry, the entry "The districts of Tellichery, Kozhikode and Palghat in the State of Kerala" shall be substituted;

(b) in column 2, for the words "Malabar District", the words "Tellichery, Kozhikode and Palghat districts" shall be substituted;

(16) in Schedule IV, in item (1), the entries relating to sub-item (a) shall be omitted; and in sub-item (b), in column 3, for "Ditto", the words and figures "Those contained in sections 13 and 14" shall be substituted;

(17) in Schedule VI, in item (4), in column 1, for the word "Malabar", the word "Tellichery" shall be substituted;

(18) in Schedule VII, in item (3), in column 1, for the words and letters "or the Government of a Part A State or Part C State", the words "or the State Government" shall be substituted.

[No. 15/22/58-Police(IV).]

C. P. S. MENON, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 13th January 1958*

S.R.O. 286.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby directs that the following further amendment shall be made in the Indian Foreign Service Rules, 1954, namely:—

In the Note to clause (iv) of sub-rule (1) of rule 10 of the said rules, the following shall be added at the end, namely:—

- “11. Oslo;
- 12. Warsaw;
- 13. Gartok”.

2. This amendment shall be deemed to have taken effect on the 23rd September, 1957, provided that the allowance shall be admissible also to officers who were serving in Oslo and Warsaw immediately before the said date.

[No. 24-EIV/58.]

T. ARUMUGHAM, Under Secy.

New Delhi, the 15th January 1958.

S.R.O. 287.—In exercise of the powers conferred by clause (a) of Section 2 of the Diplomatic and Consular Officers (Oath & Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri P. V. Menon, Assistant, Consulate General of India, Tananarive, to perform the duties of a Consular Agent with effect from the 21st December, 1957 until further orders.

[No. 19/58-Per.B.II (F.83/2/57-Per.B.II).]

Y. K. PURI, Jt. Secy.

New Delhi, the 16th January 1958

S.R.O. 288.—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Emigration Act (No. vii of 1922), the President is pleased to appoint Shri B. Roy Chowdhury, Personal Assistant to the Protector of Emigrants, Bombay, to officiate as Protector of Emigrants, Bombay with effect from the afternoon of the 28th December, 1957, vice Shri T. S. S. Aiyer, Protector of Emigrants, Bombay, granted leave.

[No. 17/58-Emi(S.R.O./I.E.A./App/58-1.)]

V. G. SRINIVASAN, Under Secy.

MINISTRY OF FINANCE**(Department of Revenue)***New Delhi, the 14th January 1958*

S.R.O. 289.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri Kanwal Kishan, Income-tax Officer, as Authorised Representative from the 31st December, 1957 (afternoon), to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 4.]

P. N. DAS GUPTA, Dy. Secy.

(Department of Revenue)

LAND CUSTOMS

New Delhi, the 25th January 1958

S.R.O. 290.—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (19 of 1924), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of

Revenue) No. 1-Land Customs, dated the 7th September, 1957, the Central Government hereby appoints,—

- (1) the Collectors of Central Excise, Delhi, Calcutta, Allahabad, Patna, Shillong and Madras to be Collectors of Land Customs in their respective jurisdictions;
- (2) the Collectors of Central Excise, Bombay, to be Collector of Land Customs in his jurisdiction and for the whole of the area lying to the south of the River Narbada in the State of Bombay falling under the jurisdiction of the Collector of Central Excise, Baroda and for North Kanara, Belgaum and Dharwar districts in the State of Mysore falling under the jurisdictions of the Collector of Central Excise, Mysore;
- (3) the Collector of Central Excise, Baroda, to be Collector of Land Customs for the whole of the area in his jurisdiction other than the area lying to the south of the River Narbada in the State of Bombay.

[No. 2.]

CUSTOMS

New Delhi, the 25th January 1958

S.R.O. 291.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 6-Customs, dated the 18th January, 1952, namely:—

In the Schedule to the said notification,—

- (i) for serial numbers 4, 6, 7 and 8 and the entries relating thereto, the following shall respectively be substituted, namely:—

- "4. The Collector of Central Excise, Madras. All ports situated in the State of Madras except the port of Madras.
All ports situated in the State of Kerala except the port of Cochin.
6. The Collector of Central Excise, Bombay. All ports (except Bombay port and the ports north of Kolak port in Surat District situated in the State of Bombay.
The port of Bharkal and all ports to the north thereof situated in the State of Mysore.
7. The Collector of Central Excise, Baroda. All ports (except Kandla port) in the State of Bombay north of Kolak port in Surat District.
8. The Collector of Central Excise, Hyderabad. All ports situated in the State of Andhra Pradesh except the port of Visakhapatnam".

- (ii) after serial number 8 and the entries relating thereto, the following shall be inserted, namely:—

- "9. The Collector of Central Excise, Mysore. All ports situated in the State of Mysore south of Bharkal."

[No. 17.]

S.R.O. 292.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 5-Customs, dated the 18th January, 1952, namely:—

In the Schedule to the said notification,—

- (i) for serial numbers 4, 7, 9, 10 and 11 and the entries relating thereto, the following shall respectively be substituted, namely:—

- "4. All Customs ports situated in the State of Orissa. (i) The Assistant Collector of Central Excise, Puri Division of the Calcutta Central Excise Collectorate.
- (ii) The Deputy Collector of Central Excise, Calcutta.

- 7 All Customs ports in the States of Madras and Kerala except the ports of Madras and Cochin.
9. All ports (except Bombay port and the ports north of Kolak in the Surat District) situated in the State of Bombay.
The port of Bhatkal and all ports to the north thereof in the State of Mysore.
10. All ports (except Kandla port) in the State of Bombay north of Kolak port in the Surat District.
11. All port situated in the State of Andhra Pradesh (except the port of Visakhapatnam)
- (i) The Deputy Collector of Central Excise, Madras
- (ii) The Headquarters Assistant Collector of Central Excise, Madras
- (iii) All Assistant Collectors of Central Excise, in-Charge of Central Excise Divisions in the Madras Central Excise Collectorate, for Customs ports situated within their respective Divisions.
- (iv) The Assistant Collector Preventive Division, Western Coast, Kozhikode.
- (v) The Assistant Collector of Central Excise (Technical), Madras.
- (i) The Deputy Collector of Central Excise, Bombay.
- (ii) The Headquarters Assistant to the Collector of Central Excise, Bombay.
- (iii) All Assistant Collectors of Central Excise in-Charge of Central Excise Divisions in the Bombay Central Excise Collectorate for Customs ports situated within their respective Divisions
- (i) The Deputy Collector of Central Excise, Baroda
- (ii) The Assistant Collector of Central Excise (Technical), Baroda
- (iii) All Assistant Collectors of Central Excise, in-Charge of Central Excise Divisions in the Baroda Central Excise Collectorate, for Customs ports situated within their respective Divisions *except* the Assistant Collector of Central Excise, Jamnagar
- (iv) The Assistant Collector of Customs Jamnagar, in-Charge of ports situated in his Division, in the Baroda Central Excise Collectorate
- (i) The Deputy Collector of Central Excise, Hyderabad (Deccan)
- (ii) The Headquarters Assistant Collector of Central Excise, Hyderabad (Deccan).
- (iii) All Assistant Collectors of Central Excise, in-Charge of the Central Excise Divisions in the Hyderabad Central Excise Collectorate, for Customs ports situated within their respective Divisions.
- (ii) after serial number 11 and the entries relating thereto, the following shall be inserted, namely:—
- "12. All ports situated in the State of Mysore
- (i) All Assistant Collectors of Central Excise, in Charge of the Central Excise Divisions in the Mysore Central Excise Collectorate, for Customs ports situated within their respective Divisions.
- (ii) The Assistant Collector Preventive Division, Western Coast, Kozhikode."

CENTRAL EXCISES

New Delhi, the 25th January 1958

S.R.O. 293—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Central Excise Rules, 1944, namely:—

In the Said Rules,—

- I In rule 32, the brackets and letter “(a)” occurring before the words “no-unmanufactured tobacco” shall be omitted;
- II In rule 34, for the words “be valid only for the day of issue”, the following shall be substituted, namely:—
“be valid, in case the transport is by means of a mechanised vehicle, for the day of issue or in other cases, for the day of issue and the day following.”;
- III In appendix I, in column 3 of Form E.B.—3 (Central Excise Series No. 35), the brackets and words “(including No. and date of original transport permit, if goods are covered by a sale note)” shall be omitted.

[No. 11/58.]

S.R.O. 294.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Central Excise Rules, 1944, namely:—

In rule 145 of the said Rules, the words “on the day following such expiry” shall be omitted.

[No. 11/58.]

S.R.O. 295.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts solutions of asphalt, bitumen, tar or pitch, in volatile solvents used for road making, for stabilisation of soil, for bonding road metal aggregates and for filling up cracks and crevices or as adhesives, from the excise duty leviable thereon, under section 3 of the Central Excises and Salt Act, 1944 (I of 1944);

Provided that the manufacturer files along with each application for removal of goods from the factory, prescribed under rule 52 of the Central Excise Rules, 1944, a written declaration that such goods are solutions of asphalt, bitumen, tar or pitch, in volatile solvents:

- (a) which are meant for road surfacing/filling cracks/bonding aggregates/stabilising soil/use as adhesives;
- (b) which are not meant for use as a paint or varnish or for manufacture of paints and varnish;
- (c) which do not contain any added pigment or colouring ingredient or oil or natural or synthetic resinous materials or resin forming materials; and
- (d) which are not such as will produce a hard non-tacky film on drying or stoving when applied to the surface of metal, wood, stone, brick or concrete.

[No. 13/58.]

S. K. BHATTACHARJEE, Dy. Secy.

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 16th January 1958

S.R.O. 296.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of

Revenue) No. 34 dated the 12th December, 1957 the Central Government hereby remits the duty with which debentures of the value of Rs. 1,16,50,800 issued by the Bombay State Financial Corporation are chargeable under the said Act.

[No. 2.]

M. PANCHAPPA, Under Secy.

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

CENTRAL EXCISE

Bangalore, the 6th January 1958

S.R.O. 297.—In pursuance of Rule 5 of the Central Excise Rules 1944, I hereby empower all Central Excise Officers, to exercise within their respective jurisdictions the powers enumerated in Rules 199 and 200 of the said Rules.

[No. 1.]

D. N. KOHLI, Collector.

CENTRAL BOARD OF REVENUE

LAND CUSTOMS

New Delhi, the 25th January 1958

S.R.O. 298.—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (19 of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924 and in supersession of its notification No. 56-Customs, dated the 24th July, 1951, as subsequently amended, the Central Board of Revenue hereby appoints all Deputy Collectors, Assistant Collectors, Headquarters Assistant Collectors, Superintendents, Deputy Superintendents, Inspectors, Nakhadars, Supervisors, Range Officers, Assistant Range Officers, Women Searchers, Jamadars, Petty Officers, Amaldars, Sepoys and peons, including all the officers of Central Excise employed for the time being on Central Excise or Customs Preventive Intelligence work and attached to the Headquarters and the Circle and Divisional offices of the Collectorate of Central Excise, Delhi, Allahabad, Calcutta, Patna, Shillong, Madras, Bombay and Baroda, to be Land Customs Officers within the jurisdictions of the respective Collectors of Land Customs under whom they are working.

[No. 1.]

S. K. BHATTACHARJEE, Secy.

CORRIGENDUM

INCOME-TAX

New Delhi, the 21st January 1958/1st Magha, 1879-1880

S.R.O. 299.—In the Schedule appended to the notification of the Central Board of Revenue S.R.O. 2023 No. 68-Income-tax, dated the 15th June 1957 published in Part II—Section 3 of the *Gazette of India*, dated the 22nd June 1957 under the sub-head "VII—(Central) Calcutta against:—

- (a) *Central Range I* for the existing item "VIII" read VIIIA; and
- (b) *Central Range II* for the existing item "XV" read XVIII.

[No. 5 (F. No. 50/19/58-IT).]

B. V. MUNDKUR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

TEA CONTROL

New Delhi, the 20th January 1958

S.R.O. 300.—In exercise of the powers conferred by clause (f) of sub-section (3) of section 4 of the Tea Act, 1953 (29 of 1953), the Central Government hereby re-appoints Shrimati Lilavati Munshi, Member of Parliament, as a member of the Tea Board until the 31st March, 1960.

[No. 7(1)Plant(A)/57.]

New Delhi, the 21st January 1958

S.R.O. 301.—In exercise of the powers conferred by section 49 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendments in the Tea Rules, 1954, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said Rules—

(1) In rule 30, for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) Permission for extension of cultivation shall not be granted to any estate—

- (i) if the permissible acreage of that estate exceeds 500 acres, or
- (ii) if any permission for extension granted by the Tea Board to that estate under clause (c) of sub-rule (2) of rule 30A has the effect to increase its total area to more than 500 acres,

without the previous sanction of the Central Government;

Provided that a tea estate which has fully utilised any permit or permits granted to it under this sub-rule in respect of a particular five year period may be granted a further permit or permits in respect of the same period with the previous sanction of the Central Government.”

(2) In rule 30A,—

(i) In sub-rule (2)—

(a) after clause (c), the following clause shall be inserted, namely—

“(cc) Notwithstanding anything contained in clauses (a), (b) and (c), a tea estate which has fully utilised any permit or permits granted to it in respect of a particular five-year period may be granted a further permit or permits in respect of the same period subject to the limits laid down in the said clauses;

Provided that the grant of permit to any tea estate under this clause which has the effect of bringing the total area of the estate to more than 500 acres will require the previous sanction of the Central Government.”;

(b) in clause (d), for the words brackets and letters “clauses (a), (b) and (c)” the words, brackets and letters, “clauses (a), (b), (c) and (cc)” shall be substituted.

(ii) In sub-rule 4, for the second proviso, the following shall be substituted, namely:—

“Provided further that notwithstanding anything contained in sub-rule (2), the Board may, if it thinks fit, cancel any permit issued to a tea estate, or any part of such permit remaining unutilised, after a period of not less than three years, from the date of issue.”

(iii) To sub-rule (5), the following further proviso shall be added, namely:—

“Provided further that the Tea Board shall obtain the previous permission of the Central Government if the transfer of permit is to an estate with a permissible acreage of more than 500 acres or has the effect of bringing the total area of the tea estate to more than 500 acres.”

[No. 9(1)Plant(A)/57.]

P. V. RAMASWAMY, Under Secy.

ORDERS

New Delhi, the 16th January 1958

S.R.O. 302/IDRA/6/12/Am.(2).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with paragraph 1(b) of the Order of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 2820/IDRA/6/12, dated the 31st August 1957, the Central Government hereby appoints Shri Bhagwat Dayal Sharma, General Labour Union, 382, Model Town, Yamunanagar, as a member of the Development Council established by the said Order for the scheduled industries engaged in the manufacture and production of textiles made of wool, including woolen yarn, hosiery, carpets and druggets, and directs that the following amendments shall be made in the said Order, namely:—

(i) For item 15 and the entries relating thereto, the following shall be substituted, namely:—

"15. Shri J. K. Jaywant,
Secretary,
Rashtriya Mill Mazdur Sangh,
Mazdur Manzil,
25, Govt. Gate Road,
Parel,
Bombay-12.

"15A. Shri Bhagwa Dayal Sharma,
General Labour Union,
382, Model Town,
Yamunanagar."

} " being persons
who in the opinion
of the Central
Government are
capable of representing the
interests of
persons employed
in industrial
undertakings in the
said scheduled
industries.

(ii) Paragraph 1(b) shall be omitted.

[No. 5(23)IA(II)(G)/57.]

New Delhi, the 20th January 1958

S.R.O. 303/IDRA/6/11/Am.(2).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with paragraph 1 (b) of the Order of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 2821/IDRA/6/11 dated the 31st August 1957, the Central Government hereby appoints Shri Indravadan M. Oza, 33, Lajpatrai Road, Vile-Parle, Bombay, as a member of the Development Council established by the said Order for the scheduled industry engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn, and directs that the following amendments shall be made in the said Order, namely:—

(i) For item 12 and the entries relating thereto, the following shall be substituted, namely:—

"12. Shri Harihar S. Thakore, General Secretary,
The Surat Silk Textile Labour Union,
883/4, Near Water Tank, Begampura, Surat"

"12A Shri Indravadan M. Oza, 33, Lajpatrai
Road, Vile-Parle, Bombay."

} "being persons who in the opinion of
the Central Government are capable of
representing the interests of persons
employed in industrial undertakings";

(ii) Paragraph 1 (b) shall be omitted.

[No. 5(38)IA(II)(G)/57.]

P. V. B. MENON, Under Secy.

CORRIGENDUM

New Delhi, the 20th January 1958

S.R.O. 304.—In the Ministry of Commerce and Industry Notifications No. S.R.O. 3760-A/IDRA/18A/7/57 and S.R.O. 3760-B/IDRA/18A/8/57 dated the 23rd November 1957 published in Part II Section 3 of the Gazette of India Extraordinary dated the 23rd November 1957, in the second lines:—

For the words "Industries (Development and Regulation) Act, 1951";

Read "Industries (Development and Regulation) Act, 1951."

[No. 9(2)/IA/IG/57.]

G. S. SHARMA, Under Secy.

MERCHANDISE MARKS

New Delhi, the 18th January 1958

S.R.O. 305.—The following draft of a further amendment to the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 440 dated the 31st March, 1951, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 12A of the Indian Merchandise Marks Act, 1889 (4 of 1889), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 28th February, 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In Part I of the Schedule to the said notification, in column 2 against item 5 the words "drugs, medicines, and pharmaceutical products of all kinds", shall be omitted.

[No. 3(8)-TMP/57.]

Indian Standards Institution

New Delhi, the 7th January 1958

S.R.O. 306.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that an amendment to the Indian Standard given in the Schedule hereto annexed has been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of Amendment	Brief particulars of Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS : 10-1953 Specification for Plywood Tea-Chests (Revised).	S.R.O. 658 dated 26th March 1955.	No. 1 November 1957.	1. The gauge range of the fittings in item 5(a) in Table I has been changed to 'No. 31G to 30 G' in place of 'No. *32 1/2 G to 30 G' deleting the equivalent '*32 1/2 G=0.004 in.' at the left hand bottom corner of Table I. 2. An asterisk (*) has been placed on 'Machilus macrantha', Sl. No. 30 in Clause A-1 indicating hereby that this species of timber is subject to treatment.	1 February 1958.

(1)	(2)	(3)	(4)	(5)	(6)
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3. Clause A-2.1(a) has been extended by specifying that when synthetic resin glues are used, the veneers need not be treated but the plywood should be given a dip in solution of boric acid 1.25 per cent and borax 1.9 per cent.

Copies of this amendment slip are available, free of cost, with the Indian Standards Institution, 'MANAK BHAVAN', 9-Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 23 Nungambakkam High Road, Madras-6.

D. V. KARMARKAR,
Deputy Director (Mark).

[No. MDC/11(9).]

T. S. KUNCHITHAPATHAM, Under Secy.

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

New Delhi, the 17th January 1958

S.R.O. 307.—In pursuance of rule 3 of the Mining Leases (Modification of Terms) Rules, 1956 and in supersession of the notification of the Government of India in the Ministry of Steel, Mines and Fuel No. 25(15)/57-M.IV, dated the 9th May, 1957, the Central Government has, with effect from the 1st December, 1957, appointed Shri K. B. L. Seth, I.C.S. (Retd.), to be Controller of Mining Leases for the whole of India, with headquarters at Nagpur.

[No. 25(15)/57-M.IV.]

A. NARAYANAN, Under Secy.

(Department of Iron and Steel)

New Delhi, the 18th January 1958

S.R.O. 308/ESS. COMM/IRON AND STEEL-2(c)/Am(10).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the Notification of the Government of India in the

Ministry of Steel, Mines and Fuel No S.R.O. 2041/ESS. COMM/IRON & STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the schedule annexed to the said notification, in columns 2 and 3 thereof, for the existing entries No. 29 to No. 31 against 'OTHERS', the following entries shall be substituted, namely:—

Column 2	Column 3
29. All Assistant Iron and Steel Controllers, Offices of the Iron and Steel Controller at Calcutta, Bombay and Madras.	4, 5, 10, 11, 18, 20, 22 and 23.
30. All Deputy Assistant Iron and Steel Controllers, Offices of the Iron and Steel Controller at Calcutta, Bombay and Madras.	4, 5, 10, 18, 20, and 22.
31. Research Officer, Office of the Iron and Steel Controller at Calcutta.	4, 5, 10, 18, 20 and 22.
32. Price and Accounts Officer, Deputy Price and Accounts Officer, Assistant Iron and Steel Controller and Deputy Assistant Iron and Steel Controller, Price and Accounts Division of the Iron and Steel Control, Calcutta.	15
33. Engineer-in-Chief, Indian Railways, Metre Gauge coach factory and Locomotive Company Works, New Delhi.	4 and 5."

[No. SC(A)-4(458).]

G. V. RAMAKRISHNA, Under Secy.

(Department of Mines & Fuel)

New Delhi, the 18th January 1958

S.R.O. 309.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (29 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

(JHIRKI—MAHLIBAND BLOCK—PLAN No. IIQ/LA/17)

Serial No.	Name of Village	Thana No.	Name of Thana	District	Area	Remarks
1.	Jhirki	120	Gomia	Hazaribagh	480 acres	Part (excluding working Colliery).
2.	Palani	119	Gomia	Hazaribagh	375 acres	Part (excluding working Colliery).
3.	Bandh	118	Gomia	Hazaribagh	115 acres	Part (excluding working Colliery).
4.	Mahlibandh	113	Gomia	Hazaribagh	514 acres	Part (excluding working Colliery).
5.	Bhurkundwatanr	114	Gomia	Hazaribagh	115 acres	Part (excluding working Colliery).
6.	Borea	115	Gomia	Hazaribagh	429 acres	Part (excluding working Colliery).
7.	Kathara	117	Gomia	Hazaribagh	701 acres	Part (excluding working Colliery).
Total						2729 acres

Boundary Description

- AB line passes along Western boundary of Village Jhirki.
- BC line passes along Western boundary of Village Palani.
- CD line passes along Southern Bank of River Bokaro.
- DE line passes along Western boundary of Colliery Jarangdih.
- EF line passes along Southern boundary of Colliery Jarangdih.
- FG line passes along Southern boundary of Village Jarangdih.
- GH line passes along Northern bank of River Damodar.
- HA line passes along Southern boundary of Village Jhirki.

The map of the areas can be inspected at the office of the National Coal Development Corporation (Private) Ltd., (Land Acquisition Section), Darbhanga House, Ranchi or at the office of the Deputy Commissioner, Hazaribagh.

[No. C2-20(2)/58.]

A. S. GREWAL, Under Secy.

MINISTRY OF FOOD & AGRICULTURE**(Department of Food)**

New Delhi, the 20th January 1958

S.R.O. 310/Ess. Com./Sugarcane.—In exercise of the powers conferred by clause 6 of the Sugarcane (Control) Order, 1955, the Central Government here directs that subject to any general or special orders which may from time to time be issued by it in this behalf, the powers under clause 3 of the said Order shall also be exercisable by the State Government of the Punjab for the purpose of allowing rebate in the minimum price of sugarcane, in excess of the limit prescribed in proviso (a) of the notification of the Government of India in the Ministry of Food and Agriculture Notification No. S.R.O. 78/Ess. Com/Sugarcane, dated the 3rd January, 1958 and subject to a maximum of 31 nP per maund of cane, in the interest of the growers.

[No. F.13-7/57-SV.]

S. D. UDHRAIN, Under Secy.

(Department of Agriculture)**(Indian Council of Agricultural Research)**

New Delhi, the 7th January 1958

S.R.O. 311.—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government hereby nominate Shri Kishan Lal of Chak 8(a) of Ganganagar, Bikaner Division, as a representative of the Cotton growers of Rajasthan State on the Indian Central Cotton Committee, for a period of three years with effect from 1st April, 1957.

[No. 1-42/56-Com II.]

MOKAND LALL, Under Secy.

(Department of Agriculture)

New Delhi, the 9th January 1958

S.R.O. 312.—The following draft of certain amendments to the Vegetable Oils Grading and Marking Rules, 1955, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 5th February, 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said rules—

(1) In Schedule IV, after column 10, a new column 11 shall be inserted with the heading "Bellier's Turbidity Test" and the following figures shall be entered thereunder against the grades mentioned below:—

Grade 1:—Edible	.....25.5
Grade 2:—Edible	.....26.5

(2) In Schedule V, a new column 11 shall be inserted after column 10 with the heading "Bellier's Turbidity Test" and the following figures shall be entered thereunder against the grades mentioned below:—

Refined (Edible)	.....39—41
Grade 1 (Edible)	.....39—41
Grade 2 (Edible)	.....39—41
Grade 3	.....39—41

(3) In Schedule VII a new column 10 shall be inserted after column 9 with the heading "Polenske Value (not more than)" and the following figures shall be entered thereunder against the grades mentioned below:—

Refined (Edible)	.....13.0
Grade 1 (Edible)	.....13.0
Grade 2 (Edible)	.....13.0
Grade 3 (Industrial)	.....13.0

(4) In Schedule X, after column 9 a new column 10 shall be inserted with the heading "Bellier's Turbidity Test" and the following figure shall be entered thereunder against the grade mentioned below:—

Grade 1 (Edible)25—26
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[No. F. 25/2/57-A.M.]

P. N. SURI, Dy. Secy.

(Department of Agriculture)

New Delhi, the 9th January 1958

S.R.O. 313.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following amendments in the Vegetable Oils Grading and Marking Rules, 1955, the same having been previously published as required by the said section, namely:—

In the said rules—

1. in Schedule IV—

(a) against the entries 'Grade I (Edible)' and 'Grade II (Edible)' in column 1—

(i) for the figures and word "1.4650 to 1.4670" wherever they occur in column 5, the figures and word "1.4646 to 1.4663" shall be substituted; and

(ii) for the figures and word "172 to 177" wherever they occur in column 6, the figures and word "172 to 176" shall be substituted;

(b) in footnote after †, the words "a positive ferric chloride test shall be taken as indicating the presence of argemone oil" shall be added at the end;

2. in Schedule V—

(a) in column 1, the brackets and word "(Industrial)" occurring after the word and figure "Grade III" shall be omitted;

(b) against each of the entries in column 1, the following entries shall respectively be made under a new column No. 10 headed "Moisture and impurities (not exceeding per cent by weight)", namely:—

"0.1
0.25
1.0
1.0".

3. in Schedule VIII—

- (a) in column 1, for the grade designation "Raw (Edible)", the grade designation "Raw" shall be substituted;
- (b) in the heading of column 10, after the word "Foots", the words "by volume" shall be inserted;
- (c) against the entry "Raw" (as now amended) in column 1, for the figures and words in column 10 "Heated oil —1.0, chilled oil—2.0", the figures "2.5" shall be substituted;
- (d) against each of the entries in column 1, the following entries shall respectively be made under a new column No. 11 headed "Moisture (not exceeding per cent)", namely:—

"0.1
0.15"

4. in Schedule IX—

- (a) against the entry "Commercial" in column 1, the figures "40" in column 4 shall be inserted;
- (b) against each of the entries in column 1, the following entries shall respectively be made under a new column No. 13 headed "Moisture and impurities (not exceeding per cent by weight)" namely:—

"0.25
0.25
0.75
1.0"

5. in Schedule X—

- (a) in column 5, for the figures and word "1.4660 to 1.4700", the figures and word "1.4666 to 1.4691" shall be substituted;
- (b) in column 6, for the figures and word "189 to 195" the figures and word "189 to 193" shall be substituted;
- (c) in column 7, for the figures and word "130 to 140", the figures and word "125 to 135" shall be substituted;

6. in Schedule XI—

- (a) in column 5, for the figures and word "1.4660 to 1.4720", the figures and word "1.4675 to 1.4690" shall be substituted;
- (b) in column 7, for the figures and word "138 to 147", the figures and word "138 to 146" shall be substituted.

[No. F.25-1/57-AM].

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 18th January 1958

S.R.O. 314.—In pursuance of sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, (5 of 1908) and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. 8-44/57-FR dated the 13th September, 1957, the Central Government hereby appoints the General Manager, Central Mechanised Farm, Suratgarh and the Officer Incharge, Central Mechanised Farm, Nandpur (Jammu) as the Officers to whom, notices of orders attaching the salaries or allowances of the Officers and other staff working in the Central Mechanised Farm, Suratgarh and the Central Mechanised Farm, Nandpur (Jammu) respectively, may be sent.

[No. 8-44/57-FR.]

B. R. KAPOOR, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 16th January 1958

S.R.O. 315.—In pursuance of sub-sections (1) and (2) of Section 12 of the Pharmacy Act, 1948 (8 of 1948), the Pharmacy Council of India, at its meeting held on the 27th November, 1957, passed the following resolution:—

"The Pharmacy Council of India considered the report of the Inspectors on the "Diploma in Pharmacy" course of study conducted by the Punjab University at the Glancy Medical College, Amritsar and approves under Section 12(1) of the Pharmacy Act, the course of study for a further period of two years. The "Diploma in Pharmacy" is also approved, under Section 12(2) of the Act, for the purpose of qualifying for registration as a pharmacist".

[No. 7-2/58-D.]

S.R.O. 316.—In pursuance of sub-sections (1) and (2) of Section 12 of the Pharmacy Act, 1948 (8 of 1948), the Pharmacy Council of India, at its meeting held on the 27th November, 1957, passed the following resolution:—

"The Pharmacy Council of India considered the report of the Inspectors on the "Diploma in Pharmacy" and the "Bachelor of Pharmacy" courses of study conducted by the Government of Madras and the Madras University respectively at the Madras Medical College, Madras and approves under Section 12(1) of the Pharmacy Act the two courses of study for a period of two years in the first instance. The "Diploma in Pharmacy" and the "Bachelor of Pharmacy" examinations are also approved under Section 12(2) of the Act for the purpose of qualifying for registration as pharmacist provided candidates who have passed the "Bachelor of Pharmacy" examination and who apply for registration have undergone the practical training laid down in Section 5 of the Education Regulations".

[No. F.7-1/58-D.]

P. S. RAMACHANDRAN, Secy.,
Pharmacy Council of India.

New Delhi, the 17th January 1958

S.R.O. 317.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955) and in continuation of the notification of the Government of India in the Ministry of Health, S.R.O. No. 2758, dated the 21st August, 1957, the Central Government directs that the power to make orders under clause (c), and clauses (h), (i) and (j) in so far as they relate to clause (c) of sub-section (2) of section 3 of the said Act, shall, in relation to drugs, be exercisable also by the State Government of Bombay upto the 16th July, 1958.

[No. F.12-3/58-D.]

D. J. BALARAJ, Dy. Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 13th January 1958

S.R.O. 318.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri Nar Singh Das Bahl an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post.

[No. 8/179/57-Comp.I.]

New Delhi, the 15th January 1958

S.R.O. 319.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri Prem Saran Mehta an

Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/174/57-Comp I]

S.R.O. 320.—In exercise of the powers conferred by sub section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S S Joshi an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post.

[No 8/169/57-Comp I]

S.R.O. 321.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Dharendra Kumar Mondal an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/184/57-Comp I]

S.R.O. 322.—In exercise of the powers conferred by sub section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri N V R Panicker as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/176/57-Comp I]

S.R.O. 323.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri Devendra Nath Jatav an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/185/57-Comp I]

S.R.O. 324.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri Hukam Chand Jatav an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/181/57-Comp I]

New Delhi, the 16th January 1958

S.R.O. 325.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri A J Shah an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post

[No 8/178/57-Comp I]

M L PURI,

Settlement Comm and ex-officio Under Secy

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th January 1958

S.R.O. 326.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act No 44 of 1954, the Central Government hereby appoints M B Mathur for the

time being holding the post of Managing Officer, Uttar Pradesh, as Managing Officer, for the custody, management and disposal of compensation pool by virtue of the Notification of the Government of India No. F.10(27)-SI/55, dated 12th July 1955.

[No. XV(58)PROP(ADMN)/57.]

New Delhi, the 16th January 1958

S.R.O. 327.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Uttar Pradesh Shri A. G. Bhatnagar, Managing Officer as *ex-officio* Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act.

[No. XV(23)PROP(ADMN)/57.]

S.R.O. 328.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, No. 44 of 1954, the Central Government hereby appoints Shri R. L. Gupta, for the time being holding the post of Assistant Settlement Officer in the office of Regional Settlement Commissioner, New Delhi, as Managing Officer, for the custody, management and disposal of compensation pool.

[No. IV(128)PROP(ADMN)/57.]

S.R.O. 329.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Delhi, Shri R. L. Gupta, Assistant Settlement Officer, in the office of Regional Settlement Commissioner, New Delhi, as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act.

[No. IV(128)PROP(ADMN)/57.]

I. N. CHIB, Dy. Chief Settlement Comm.
(*ex-officio* Deputy Secretary).

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th January 1958

S.R.O. 330.—In pursuance of clause (a) of sub-paragraph (1) of paragraph 3 of the Coal Mines Provident Fund Scheme, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour S.R.O. No. 2227 dated the 5th October, 1955, namely:—

In the said notification, in the entry (1) relating to Shri P. M. Menon, I.C.S. for the words "Joint Secretary to the Government of India, Ministry of Labour & Employment", the words, "Secretary to the Government of India, Ministry of Labour and Employment, New Delhi" shall be substituted.

[No. PF-I/4(34)/58.]

S.R.O. 331.—In exercise of the powers conferred by sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following further amendments in the Employees' Provident Funds Scheme, 1952, namely:—

In clause (f) of paragraph 2 of the said Scheme—

(i) for sub-clause (i), the following sub-clause shall be substituted, namely:—

"(i) an employee who, having been a member of the Fund, withdrew the full amount of his accumulations in the Fund under sub-paragraph (1) of paragraph 69";

(ii) for sub-clause (iii) and the Explanation thereunder, the following sub-clause and Explanation shall be substituted, namely:—

"(iii) an employee employed by a contractor in any operation not directly connected with any manufacturing process carried on in the factory or other establishment; or

Explanation.—In respect of an employee employed by a contractor who is not an excluded employee under this paragraph, the principal employer shall be responsible for complying with the provisions of the Act and this Scheme”;

(iii) for sub-clauses (iv) & (v), the following sub-clause and Explanation shall be substituted, namely:—

“(iv) an apprentice.

Explanation.—An apprentice means a person who, according to the certified standing orders applicable to the factory or establishment, is an apprentice, or who is declared to be an apprentice by the authority specified in this behalf by the appropriate Government.”

[No. PF.54(11)/55.]

New Delhi, the 20th January 1958

S.R.O. 332/CDLB/Am(8)/58.—In pursuance of clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri L. Freeman to be a member of the Calcutta Dock Labour Board *vice* Shri A. J. Dalton, resigned, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 2316, dated the 8th October, 1956, namely:—

In the said notification, under the heading “*Members representing the employers of dock workers and shipping companies*”, for the entry “(5) Shri A. J. Dalton”, the entry “(5) Shri L. Freeman” shall be substituted.

[No. Fac. 175(21).]

S.R.O. 333.—In pursuance of clause (b) of sub-paragraph (1) of paragraph 3 of the Employees’ Provident Funds Scheme, 1952, the Central Government hereby nominates Shri B. N. Swaroop, Deputy Secretary to the Government of India in the Ministry of Commerce and Industry, to be a member of the Board of Trustees (Central Board) constituted under the said Scheme in the vacancy caused by the resignation of Shri P. S. Sundaram and makes the following further amendment in the notification of the Government of India, in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification, for the entry “3. Shri P. S. Sundaram, Deputy Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.”, the following entry shall be substituted, namely:—

“3. Shri B. N. Swaroop, Deputy Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.”

[No. PF.II-33(19)/57.]

R. C. SAKSENA, Under Secy.

New Delhi, the 16th January 1958

S.R.O. 334.—In exercise of the powers conferred by section 95 of the Employees’ State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment to the Employees’ State Insurance (Central) Rules, 1950, the same having been previously published as required by sub-section (1) of the said section, namely:—

Amendment

In the said rules, for sub-clause (b) of clause (1) of sub-rule (2) of rule 5, the following shall be substituted, namely:—

“(b) in respect of journeys by rail, a single fare of the class by which he travels on payment of full fare plus 12 pies per mile, provided that if he travels by air-conditioned accommodation in Mail/Express trains or by air-conditioned class in De-luxe trains he will be entitled to first class fare only, from and to the usual place of business or from and to the place from or to which the journey is actually performed by the member, whichever is less, the rate of 12 pies per mile being

subject to the same modifications as the Central Government may make from time to time in this regard in respect of its own officers of the first grade.

NOTES.—(1) Non-official members who travel by air-conditioned III class in De-luxe trains shall be entitled to the railway fare paid by them plus incidental expenses at the rate specified above.

(2) Return tickets should be purchased whenever they are available, and when it is expected that the return journey will be performed before the expiry of the period for which return tickets are available."

[No. F. HI-1(217)/57.]

R. M. DOIPHODE, Under Secy.

New Delhi, the 15th January 1958

S.R.O. 335.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Nagpur, in the industrial dispute between the employers in relation to the Bank of Mysore, Limited, Bangalore, and their workmen.

BEFORE SHRI P. D. VYAS, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR AT BOMBAY

REFERENCE (CGIT) No. 10 OF 1957

BETWEEN

Bank of Mysore Limited, Bangalore

AND

Their Workmen.

In the matter of an industrial dispute pertaining to the alleged wrongful termination of the services of an employee.

APPEARANCES:

Shri M. Abdul Aleem
Manager,
Bank of Mysore Ltd.,
Fort Bombay.

with Shri A. Krishnamoorthy,
Deputy Manager,
Bank of Mysore Ltd.,
Bangalore.

Shri K. K. Mundal, Assistant Secretary, All India Bank Employees' Association, Bombay.

Shri H. G. Krishna Murthy (in person).

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government has referred for adjudication an Industrial Dispute between the employers in relation to the Bank of Mysore Limited, Bangalore and their Workmen in respect of the matter specified in the schedule annexed to the Government Order S.R.O. 8501, dated 28th October, 1957.

SCHEDULE

Alleged wrongful termination of the services of Shri H. G. Krishnamurthy and the relief, if any, to which he is entitled

2. On the usual notices being issued the Assistant Secretary, All India Bank Employees' Association, filed the statement of claims and the General Manager, the Bank of Mysore Limited, Bangalore, filed a written statement. The Assistant

Secretary, All India Bank Employees' Association also filed supplementary statement of claims by way of rejoinder to the written statement filed by the Bank. The reference was thereafter fixed for hearing.

3. During the course of the hearing of the Reference the parties arrived at an amicable settlement and requested that an award be made accordingly. I thus make my award in terms of the memorandum of settlement annexed hereto.

P. D. VYAS, Judge,
Central Government Industrial Tribunal,
Nagpur at Bombay.

Dated the 7th January, 1958.

ANNEXURE

BEFORE SHRI P. D. VYAS, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NAGPUR AT BOMBAY

REFERENCE (CGIT) No. 10 OF 1957

BETWEEN

Bank of Mysore Limited, Bangalore

AND

Their Workmen.

SUBJECT:—*In the matter of alleged wrongful termination of the services of Shri H. G. Krishnamurthy and the relief, if any, to which he is entitled.*

TERMS OF SETTLEMENT

1. The Bank of Mysore Limited, agrees to pay and Shri H. G. Krishnamurthy agrees to accept a sum of Rs. 2,728 (Rupees Two thousand seven hundred and twenty-eight) inclusive a back wages and bonus but excluding provident fund and gratuity as found on calculation, and bonus for 1957 as may be declared. This shall be in full and final settlement of all claims of Shri H. G. Krishnamurthy on the Bank of Mysore Ltd.

2. The Bank of Mysore Limited further agrees to pay and Shri H. G. Krishnamurthy agrees to accept a sum of Rs. 1,500 (Rupees one thousand five hundred) as compensation in lieu of reinstatement.

3. The Bank of Mysore Limited agrees to issue a suitable certificate to Shri H. G. Krishnamurthy.

Both parties pray that an award may be made in terms settled as above.

For The Bank of Mysore Ltd.
(Sd.) A. KRISHNAMURTHY,
Deputy General Manager.
(Sd.) M. ABDUL ALEEM,
Manager, Bombay Branch.

For The Workmen of The Bank of
Mysore Ltd.,
(Sd.) K. K. MUNDUL,
Asstt. Secretary, A.I.B.E.A.
(Sd.) H. G. KRISHNAMURTHY.

3-1-58.

Recorded.

(Sd.) P. D. Vyas, Judge,
Industrial Tribunal.

3-1-58.

PLACE: Bombay.

Dated the 3rd January, 1958.

New Delhi, the 21st January 1958

S.R.O. 336.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Nagpur, in the industrial dispute between the Bombay Port Trust and their workmen.

BEFORE SHRI P. D. VYAS, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NAGPUR, AT BOMBAY

REFERENCE (CGIT) No. 8 of 1957

ADJUDICATION

BETWEEN

The Bombay Port Trust and other employers

AND

Their Workmen.

In the matter of an industrial dispute regarding listing of commodities falling under the description of "Iron and Steel" etc.

APPEARANCES:

1. Shri H. R. Gokhale, Advocate,
with
Shri P. W. Khandekar, Secretary, for Transport and Dock Workers' Union.
2. Shri H. N. Trivedi, General Secretary, for Indian National Dock Workers' Federation.
3. Shri H. N. Trivedi, President, for The Bombay Stevedores and Dock Labourers Union (I.N.T.U.C.).
4. Shri H. R. Gokhale, Advocate,
with
Shri S. J. Deshmukh, Treasurer, for The Bombay Port Trust Employees' Union.
5. Shri S. D. Nariman, Legal Adviser, for The Bombay Port Trust.
6. Shri H. M. Seervai, Advocate General, instructed by Shri K. K. Mehta, Secretary, for the Bombay Dock Labour Board.
7. Shri R. Setlur, of Messrs. Crawford Bayley & Co.
with
Shri B. L. Desai, Secretary, Bombay Stevedores Association Ltd., for the employers Nos. 3 to 18 mentioned in Schedule I to the Government Order.
8. Shri S. M. Cooper, for Messrs. S. C. Cambatta & Co. Ltd
9. Shri B. M. Bhatt, for Messrs. Bharsey Mulji.
10. No appearance for
Messrs Ebrahim Moosa Tadpatriwala
and
Messrs. Robinsons
(Employers Nos. 21 and 22 in the Schedule I to the Government Order).

AWARD

This reference has been made to me by the Central Government in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) under Order No L.R 3(22)/57, dated 2nd July, 1957 for adjudication of an industrial dispute between the employers specified in Schedule I and their workmen regarding the matter specified in Schedule II respectively annexed thereto. The two schedules are as under:—

SCHEDULE I

1. The Bombay Port Trust, Ballard Estate, Fort, Bombay.
2. The Bombay Dock Labour Board, Janmabhoomi Chambers, Fort Street, Bombay-1.
3. M/s. Kanji Jadhavji & Co., Masjid Bridge, Bombay-9.
4. M/s. Ardeshr B. Cursetjee & Sons, Ltd., 6, Rampart Row, Port, Bombay-1.

5. M/s. R. Sharp & Sons Ltd., Kaiser-i-Hind Building, Ballard Estate, Bombay-1.
6. M/s. Darabshaw B. Cursetjee's Sons, Darabshaw House, Ballard Road, Bombay-1.
7. M/s. M. Dinshaw & Company Ltd., Marshall's Building, Ballard Road, Bombay-1.
8. M/s. Hill, Son & Dinshaw Ltd., Marshall's building, Ballard Road, Bombay-1.
9. M/s. M. B. Eduljee Cassinath Sons, 17/19, Bastion Road, Fort, Bombay-1.
10. M/s. Vinsons, Imperial Chambers, Wilson Road, Ballard Estate, Bombay-1.
11. M/s. New Dholera Shipping & Trading Co. Ltd., Bombay Mutual Building, 298, Hornby Road, Bombay-1.
12. M/s. A. R. Nain & Sons, Gaukukh Bhuwan, Masjid Bridge, Bombay-9.
13. M/s. H. K. Joshi & Co., 56, Hari Bhuwan, Popatwadi, Kalbadevi Road, Bombay-1.
14. M/s. Hinshaw C. Cooper & Sons, 11, Bank Street, Fort, Bombay-1.
15. M/s. Purshotamdas Madhavan & Co. Ltd., Botawalla Building, Elphinstone Circle, Bombay-1.
16. M/s. R. H. Tookaram Hariba & Sons, 15, Babulnath, Sadguru Sadan, Bombay.
17. M/s. Eastern Bunkers Ltd., Scindia House, Ballard Estate, Bombay-1.
18. M/s. United India Marine & Trading Co. Ltd., Noor-El-Bahar, Near Fire Brigade, Carnac Bunder, Frere Road, Bombay.
19. M/s. S. C. Cambatta & Co. Ltd., Cambatta Building, Opposite Churchgate Station, Bombay-1.
20. M/s. Bharsey Mulji, House No. 28/30, Jiwanji Maharaj Lane, Bhulchshwar, 3rd Bhoivada, Bombay-3.
21. M/s. Ebrahim Moosa Tadpatriwala, C/o Union Lighterage, Opposite Princess Docks Main Gate, Frere Road, Bombay-9.
22. M/s. Robinsons, Imperial Chambers, Ballard Estate, Bombay-1.

SCHEDULE II

1. (a) What should be the list of commodities falling under the description of "Iron and Steel" as mentioned in the Labour Appellate Tribunal's Decision dated the 1st February, 1956, for payment at time rate?

(b) Whether it is reasonable and practicable to put the above commodities comprising Iron and Steel on piece rate?

(c) If the answer to (b) is in the affirmative, what should be the datum line for Iron and Steel, and what should be the mode of assessment of output for payment on piece rates.

2. The concerned workmen are represented by The Transport & Dock Workers' Union, The Indian National Dock Workers' Federation, The Bombay Stevedores & Dock Labourers' Union and The Bombay Port Trust Employees' Union. On the usual notices being issued, the Unions have not filed any statement of claim as such on merits but have raised certain preliminary points challenging the legality and validity of the Government Order of Reference and denying the jurisdiction of this Tribunal to proceed with the hearing of the dispute referred to for adjudication.

3. The main statement in the above connection has been filed by the Transport and Dock Workers' Union. The Union's case is that section 10(1)(d) of the Industrial Disputes Act, 1947, only empowers the appropriate Government to refer any industrial dispute, which exists or is apprehended or any matter appearing to be connected with, or relevant to the dispute, for adjudication to a Tribunal. Where no industrial dispute exists or is apprehended, neither can the appropriate Government refer any matter for adjudication nor can the Industrial Tribunal adjudicate on such a matter which is not an industrial dispute. According to the Union, on the date of the Government Order there was no dispute or difference between the employers specified in Schedule I and their workmen, nor was any such industrial dispute apprehended and hence the Government Order is *ultra vires* with the result that this Tribunal acquires no

jurisdiction to adjudicate on the alleged dispute. The Union alleges that no difference or dispute ever arose or existed about the list of commodities falling under the description of "Iron and Steel" as mentioned in the Labour Appellate Tribunal's decision dated 1st February, 1956, for payment at time rate nor was any such dispute or difference apprehended. The Reference in respect of the matter contained in part I(a) of Schedule II therefore, is *ultra vires* and void *ab initio*. The Union further alleges that the Government Order of Reference dated 2nd July, 1957, is a mechanical representation of the language of sub-section (1) of section 10 of the Industrial Disputes Act and is made without proper application of mind by the Central Government. The Union repeats the same contentions with regard to the matter contained in parts 1(b) and (c) of schedule II and says that the concerned workmen have no dissatisfaction with the decision of the Labour Appellate Tribunal, dated 1st February, 1956, regarding the payment at time rate for commodities falling under the description of "Iron and Steel". The Union goes further and states that the Workmen never raised a dispute that the system of payment at time rate should be altered and should be substituted by putting the said commodities comprising Iron and Steel on piece rate and that even the employers at no time raised any such question so as to give rise to the dispute or difference on that account after the decision dated 1st February 1956 of the Labour Appellate Tribunal. The Union also denies any dispute between the employers and their workmen as to what should be the datum line for Iron and Steel and what should be the mode of assessment of output for payment on piece rates. The Union thus submits that inasmuch as no such industrial dispute existed or was apprehended when the Government Order of Reference was made, it is *ultra vires* and void *ab initio*. Assuming that such difference or dispute did exist or was apprehended, even then the Union contends that no reference of the dispute could be made by the Central Government under the provisions of the Act. The alleged industrial dispute was directly the subject-matter in controversy between the parties which has been decided by the Labour Appellate Tribunal and the award of Shri Meher as modified by the Decision of the Labour Appellate Tribunal was in operation on the date of the Government Order of Reference, viz., 2nd July, 1957. No industrial dispute accordingly could by law arise so long as the said award was in operation and binding on the parties. The Union under all these circumstances submits that there is no valid and legal Reference made to this Tribunal and this Tribunal has no jurisdiction to entertain the same or to proceed with the hearing of the alleged dispute specified in Schedule II.

4. Shri H. N. Trivedi represents the Indian National Dock Workers' Federation and the Bombay Stevedores' and Dock Labourers' Union in his capacity respectively as General Secretary and President. On behalf of the Indian National Dock Workers' Federation as such he has not filed any statement but on behalf of the Bombay Stevedores' and Dock Labourers' Union he has stated under his letter dated 21st September 1957 that they fully agree with the submissions made by the Transport and Dock Workers' Union and have nothing further to add. So also the Bombay Port Trust Employees' Union under a separate statement filed by it repeats practically the same contentions as raised by the Transport and Dock Workers' Union.

5. The employers concerned in the Reference are 22 in all as mentioned in Schedule I. On the usual notices being issued, the employers Nos. 1, 2, 3 to 18, 19 and 20 have filed their respective written statements. The employers Nos. 21 and 22 have not filed any written statement and have remained absent throughout the proceedings.

6. On behalf of the Bombay Port Trust, the Trustees of the Port of Bombay under their written statement deny that either the Order of Reference dated 2nd July 1957 or the Reference made by the said order is void, illegal or inoperative. The Trustees further deny that this Tribunal has no jurisdiction to entertain and proceed with the hearing or the adjudication of the Reference. The Trustees submit that in view of the statement made by the Transport & Dock Workers' Union in paragraph 8 of its statement of claim, viz. "the Union says that no dispute or difference ever arose or existed about the list of commodities falling under the description of 'Iron and Steel' as mentioned in the Labour Appellate Tribunal's Decision, dated 1st February, 1956 for payment of time rate between the employers specified in Schedule I annexed to the said Order and their workers", the first issue referred to this Tribunal does not survive. As regards the issues 1(b) and 1(c), the Trustees deny that the Reference is void, inoperative or bad in Law for any reasons whatsoever and submit that the Reference is valid and this Tribunal is competent to proceed with the adjudication. The written statement filed on behalf of the employer No. 2, The Bombay Dock Labour Board, as also those filed on behalf of the employers Nos. 3 to 18 and 19 are to the same

effect and the contents thereof need not be repeated. In the written statement filed on behalf of the employer No. 20 Messrs. Bharsey Mulji, it is alleged that they are not concerned with any of the items mentioned in the Schedule II to the Government Order of Reference. It is further alleged that they are not handling "Iron and Steel", that no time rate system exists in their concern, and that all the labour employed for handling cargo is being paid on piece rate system as per terms of Labour Appellate Tribunal Decision. It is thus prayed that their name should be deleted and the Reference should be rejected in so far as they are concerned.

7. The subject-matter of the dispute referred to for adjudication in schedule II to the Government Order of Reference is divided in three sub-heads 1(a), (b) and (c). The Unions' case as aforesaid is that no such dispute in respect of any of these sub-heads ever existed or was apprehended and any such Order of Reference by the Government in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, made without proper application of mind, is bad and void *ab initio*. This Tribunal, therefore, has no jurisdiction to entertain the Reference or to adjudicate upon the matter specified in Schedule II. The concerned employers on the other hand, in their written statements as the same stand, have emphatically denied the Union's allegations and contended that the Reference is valid and the Tribunal is competent to proceed with the adjudication, though according to them in view of the above-mentioned statement in paragraph (8) of the statement of claim filed by the Transport and Dock Workers' Union, the first issue covered under Schedule II-1(a) does not survive. Before I proceed to consider the facts of this case and the stand taken by the parties at the time of the hearing, it will be more appropriate to clarify the position under the Law *vis a vis* the parties' pleadings on the point of existence and/or apprehension of the industrial dispute if any, as between them.

8. The relevant portion of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, originally stood thus:—

"If any industrial dispute exists or is apprehended, the appropriate Government may....."

While Considering this provision, the Madras High Court in the case of Kandans Textiles Ltd. (1949 LLJ 875) took the view that it was incumbent on the Government before making an order of reference under section 10(1) of the Industrial Disputes Act, to see that it has enough material before it to form an opinion that an industrial dispute exists or is apprehended and a Reference not so made is bad in Law. So also in the case of Raju's Cafe (1951 1LLJ 219), the Madras High Court while discussing the validity of a reference purported to be made under section 10(1) of the Industrial Disputes Act, observed that the reference in question was not made on the subjective satisfaction of the Government regarding the existence or apprehension of an industrial dispute but merely on the representation of one of the interested parties. In the case of Sugar Mills of Bihar (1951 1 LLJ 469) the Labour Appellate Tribunal at Calcutta, held that every Tribunal is not only competent but has to consider the validity of a reference made to it and that a reference by the Government of a dispute to a Tribunal would be valid if the three conditions are fulfilled, *viz.* (i) that the dispute in fact had arisen, (ii) that the dispute is an industrial dispute and (iii) that the Government when making the reference had applied its mind to the subject-matter of the reference. In my award as an Industrial Tribunal, Bombay, in a reference between Certain Bidi Merchants, Ahmedabad and their Workmen (1952 II LLJ 365 at 368), I have referred to some of the earlier decisions under which it was laid down that once a reference was made by the Government, it was not the function of any Court or Tribunal to go behind the same and question its validity. In the full Bench case of Bagram Tulpule Vs. State of Bihar (1950 2 LLJ 534), the Government had refused to make a reference in the circumstances of the case and the Chief Justice of the Patna High Court observed:—

".....Government might consider a reference inexpedient for all sorts of reasons, including reasons of policy, which are no business of the Courts.....the matter is entirely in the discretion of the Government."

9. Owing to the conflicting judicial decisions some of which I have referred to above, certain changes had to be effected in section 10 of the Industrial Disputes Act, 1947, first by Ordinance No. IX of 1951 on the 5th December 1951 and later the same were incorporated in Act 18 of 1952, so that sub-section (1) stood thus:—

"Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time....."

In the case of N. K. Sen and Others, the question arose before the Bombay High Court regarding the meaning of the words "any person" in section 2(k) of the Industrial Disputes Act, 1947, and it was suggested *inter alia* that if a dispute was not an industrial dispute, then the appropriate Government would not refer that dispute to the Tribunal, but the dispute having been referred by the appropriate Government to the Tribunal it must be regarded as an industrial dispute. The High Court observed: "It is obvious from the terms of section 15 of the Act that what the Tribunal is entitled to or is authorised to decide or to adjudicate upon, is merely "an industrial dispute" and if a dispute cannot reasonably be regarded as an industrial dispute, the mere fact that it is referred by the appropriate Government to the Tribunal would not make it an industrial dispute liable to be adjudicated upon by the Tribunal by reason of its being referred to that Tribunal" (vide 1953 1 LLJ 6 at 14). After the amendment as above in the relevant portion of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, which still subsists as such under the Act as amended by Act 36 of 1956, there has been an authoritative decision of the Supreme Court of India in the case of State of Madras Vs. C. P. Sarathy—1953 1 LLJ 174, where at page 179 it has been observed by Shri Patanjali Sastri, C. J. :—

"But it must be remembered that in making a reference under section 10(1) Government is doing an administrative act and the fact that it has to form an opinion as to the factual existence of an industrial dispute as a preliminary step to the discharge of its function does not make it any the less administrative in character. The Court cannot, therefore, canvass the order of reference closely to see if there was any material before Government to support its conclusion, as if it was a judicial or a quasi-judicial determination. No doubt it will be open to a party seeking to impugn the resulting award to show that what was referred by Government was not an industrial dispute within the meaning of the Act, and that, therefore, the Tribunal had no jurisdiction to make the award. But if the dispute was an industrial dispute as defined in the Act, its factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for Government to decide upon, and it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction merely because there was, in its opinion no material before Government on which it could have come to an affirmative conclusion on those matters. The observations in some of the decisions in Madras do not appear to have kept this distinction in view."

10. The word "dispute" has not been defined in the Industrial Disputes Act, 1947, and in its ordinary meaning a "dispute" is a "difference". Obviously a "difference" arises between two or more parties when they are not at one in respect of a particular matter. The expression "industrial dispute" has been defined in section 2(k) of the Act and it means "any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment or with the conditions of labour, of any person". Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it is empowered under section 10(1) of the Act to refer the dispute by order in writing to a Tribunal for adjudication. The original clause (c) of sub-section (1) has now been substituted by the two clauses (c) and (d) by the Amending Act 36 of 1956 and for our present purpose the relevant clause (d) provides for referring "the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a Tribunal for adjudication". The Central Government in the present case under the order of Reference made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Act, states in terms:—

"Whereas the Central Government is of opinion that an industrial dispute concerning a major port exists or is apprehended between the employers specified in schedule I hereto annexed and their workmen, regarding the matter specified in schedule II hereto annexed;"

"And whereas the Central Government considers it desirable to refer the dispute for adjudication";

Their Lordships of the Supreme Court of India, in the above-cited case have laid down that in making such a reference under section 10(1) of the Act, Government is merely doing an administrative act and the Court cannot canvass the

order of reference closely to see if there was any material before Government to support its conclusion, as if it was a judicial or a quasi-judicial determination. No doubt their Lordships have left it open to a party seeking to impugn the resulting award to show that what was referred by Government was not an industrial dispute within the meaning of the Act and that, therefore, the Tribunal had no jurisdiction to make the award. But at the same time their Lordships have gone further and made it clear that if a dispute was an industrial dispute as defined in the Act, its factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for Government to decide upon and in such a case it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction merely because, in the Court's opinion there was no material before Government on which it could have come to an affirmative conclusion on those matters. Thus though the jurisdiction of the Tribunal can be assailed on the ground that what was referred by the Government was not an industrial dispute within the meaning of the Act, its factual existence and the expediency of making a reference are matters left entirely for Government to decide upon and if the Government has taken a decision on these matters and made the reference, it would not be competent for the Court to hold the reference bad or quash the proceedings on the ground of want of jurisdiction merely because the Court thinks that there was no material before Government to arrive at its conclusion. If, therefore, a Tribunal were still to inquire about the factual existence of a dispute before exercising its jurisdiction, it would amount to sitting in judgment over the Government's decision in the matter, which as their Lordships of the Supreme Court have held it is not competent for the Court to do. I may refer to some of the decisions of the Madras High Court where it has been enjoined on a Tribunal to inquire into the factual existence of an industrial dispute by way of a jurisdictional issue (1956 1 LLJ 221 Radhakrishna Mills Ltd. Vs. State of Madras and Others; (1956 1 LLJ 498) Shri Ram Vilas Service Ltd. Vs. State of Madras and another; and the Order dated 10th August 1956 in the Writ Petitions No. 895 to 898 of 1955 filed by Kala Cafe and others. Sitting at Bombay I am bound by a similar view, if any, expressed in a decision of the Bombay High Court, but no such decision has been brought to my notice. The Madras view as expressed by Mr. Justice Rajagopalan in the said case seems to be that though an application for the issue of a Writ of Certiorari to set aside a reference under section 10(1)(c), [corresponding to present section 10(1)(d)], of the Act does not lie even if it could be established that there was no industrial dispute antecedent to the making of a reference which is merely an administrative Act, it does not mean that the validity of the reference cannot be assailed in any forum for any purpose whatsoever. Despite a reference under the Act, if the factual existence of an industrial dispute was denied before an Industrial Tribunal, the factual existence of that dispute would have to be proved independent of any reference under the Act. If the issue as to the factual existence of an industrial dispute was not decided at all by an Industrial Tribunal, or if an Industrial Tribunal decided the issue wrongly, a Writ of Certiorari could issue to correct the error of that Tribunal. If this view were to hold good, then the observations of their Lordships of the Supreme Court of India in the aforesaid case are rendered without any meaning and serve no useful purpose. If in every case an Industrial Tribunal was to decide the factual existence or apprehension of an industrial dispute and if in doing so it committed any error, the High Court could interfere with a Writ of Certiorari, because, in the Court's view there existed no industrial dispute in fact, then practically it amounts to ignore the object of the aforesaid amendment in section 10(1) of the Act arising from the conflicting decisions referred to *supra* as also of their Lordships' remarks in the Supreme Court judgment, *viz.*

"That in making a reference under section 10(1) Government is doing an administrative Act.....and the Court cannot, therefore, canvass the order of reference closely to see if there was any material before Government to support its conclusion.....If the dispute was an industrial dispute.....its factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for Government to decide upon, and it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction, merely because, there was in its opinion no material before Government..... Observations in some of the decisions in Madras do not appear to have kept this distinction in view".

11. In my humble opinion if under the Supreme Court judgment as shown above, the Government is to decide the question of factual existence of an industrial dispute, and it will not be open to hold the reference bad or quash the proceedings for want of jurisdiction merely because in the court's opinion there

was no material before Government to support its decision, it follows *ipso facto* that its decision regarding the factual existence of an industrial dispute stands uninterfered with and to that extent the Tribunal under the order of Reference is seized with jurisdiction. In the present case when the Government order of reference states in terms that in its opinion an industrial dispute concerning a major port exists or is apprehended between certain employers and their workmen, the requirement *inter alia* of the first part of the definition of the expression "industrial dispute" in section 2(k) *viz.* "any dispute or difference.....between employers and workmen....." is on the face of it satisfied. What has been left open under the Supreme Court judgment to a party seeking to impugn an award is to urge that the dispute must be of an industrial nature, i.e. it must be "connected with the employment or non-employment or the terms of the employment or with the conditions of labour, of any person" as provided in section 2(k) of the Act and not any ideological difference or theoretical or meta-physical or philosophical difference as has been aptly pointed out by the Bombay High Court in the above-cited case of N. K. Sen and Others (1953 1 LLJ 6). In the said case the High Court has held that the dispute must involve a controversy in which the workmen are directly and substantially interested and which the employer is in a position to remedy. Besides, under the present clause (d) of section 10(1) of the Act, the dispute must relate to any matter specified in the Second or the Third Schedule. It is not the case of the Unions that the dispute referred to does not fall under any of these schedules or that the dispute is not of an industrial nature as contemplated in section 2(k) of the Act. What they deny is the very factual existence or apprehension of any dispute whatsoever, the matter which under the Supreme Court judgment is for the Government to decide upon.

12. I am thus of the opinion that the validity and/or legality of the Government order of Reference cannot be questioned on the ground that factually no such dispute as referred for adjudication ever existed or was apprehended. On this point even the concerned employers in their written statements do not join with the Unions and contend that neither the validity of the reference nor the jurisdiction of this Tribunal to adjudicate can be denied. Notwithstanding this, at the time of the hearing the employers were at one with the Unions in saying that the reference in so far as the matter covered under issue No. 1(a) is concerned, need not be heard and that in regard to the matter covered under issue 1(b) and (c), even assuming that such difference or dispute did exist or was apprehended, no industrial dispute could by law arise so long as the previous award concerning the same dispute referred to *infra* was in operation and binding on the parties.

13. I shall thus proceed to consider in greater detail the stand taken up by the parties at the time of the hearing. In paragraph 8 of the main statement filed by the Transport and Dock Workers' Union, it has been alleged that no difference or dispute ever arose or existed about the list of commodities falling under the description of "Iron and Steel" as mentioned in the Labour Appellate Tribunal's decision dated 1st February, 1956 for payment at time rate nor was any such dispute or difference apprehended. The Bombay Port Trust and the other concerned employers therefore, in their written statements have averred that if this is the case of the Unions, the first issue referred to this Tribunal does not survive. The learned Advocate General, appearing for the Bombay Dock Labour Board mainly addressed the Tribunal and he was supported by others in saying that the present relations between the parties are happy, no one out of them desires to pursue further any such dispute and if the parties are not at issue on this point, the Tribunal need not undertake the task of adjudication. This being the outstanding trend of the submissions made by the parties concerned, I think I need not embark on any inquiry regarding the matter covered under the issue No. 1(a) and the Reference to that extent stands filed as not further proceeded with.

14. As regards the matter covered under the issue No. 1(b) and (c), the Unions have raised an additional contention that no such dispute could by law arise so long as the previous award of Shri Meher as modified by the decision of the Labour Appellate Tribunal was in operation and binding on the parties. A similar question arose before the Industrial Tribunal of Shri M. R. Meher under Reference (ITCG) No. 4 of 1954 and Shri Meher gave his award, dated 30th May 1955. Against this award several appeals were filed in the Labour Appellate Tribunal of India, Bombay, and the Special Bench of the Appellate Tribunal in its decision dated 1st February 1956 modified the said award to some extent and confirmed it in other respects. The relevant paragraphs of this decision are 97 and 108 for our present purpose. Paragraph 97 says:

"The datum line 6A for Iron and Steel has been fixed at 70 tons. On the analogy of the other datum lines the employers have agreed to the

reduction of this datum line by 6 1/4 per cent., and it is urged that the datum line as so reduced compares very favourably with the London figure of 128 tons for metals computed from Ex. U-14 on the basis of the standard daily wage of 24S. But there is nothing else of evidence to support the datum of 70. Without doubt the internal ratios of the London datums are relevant as a suitable guide, and it may well be that the datum line for Iron and Steel would not in any event go below 70 tons reduced by 6 1/4 per cent. But it would not be safe for us to fix the datum at the figure of 70 less 6 1/4 per cent. in the absence of anything more tangible to support it. We may add that we have no reason to doubt Shri Shaikh's evidence that a hook carrying iron and steel would take about four minutes for the complete travel from ship to shore and back again to the ship; but in the absence of any further data on the subject we are unable to specify the figure of 70 tons less 6 1/4 per cent. as the datum line for iron and steel."

Paragraph 108 says:

"It remains to be considered what is to be done regarding the commodities for which new datum lines were asked for by the employers and have been refused by us. Except for iron and steel no special directions are necessary and the commodities in question will be handled under such of the remaining datum lines under which they properly fall. A special provision in regard to iron and steel is necessary because it is expected that under the Second Five Year Plan as much as 1 1/2 million tons of Iron and Steel imports will come within the next five years; and inappropriate datum lines for iron and steel are likely to lead to unfortunate results. We, therefore, direct that iron and steel imports be handled at time rates."

It is not the Unions' case at this stage that the present reference in respect of the same dispute is barred by the principles of *resjudica* because of this decision. What they contend is that so long as the award of Shri Meher as modified by the Labour Appellate Tribunal is in operation and is binding on the parties, no such dispute could in law arise so as to form the subject-matter of a reference by the Government. On this point though they have not so alleged in their written statements, even the concerned employers joined hands with the Unions and in fact the learned Advocate General appearing on behalf of the Bombay Dock Labour Board practically argued the point by bringing to my notice the judgment of the Bombay High Court in the case of Poona Mazdoor Sabha Vs. G. K. Dhutia (LVIII Bombay L.R. 817, 820). In that case the parties to an industrial dispute having arrived at a private settlement which was recorded by the Conciliation Officer, the High Court held that an industrial dispute can neither be raised with regard to a matter which is the subject-matter of a settlement under section 12 read with section 19(1) of the Industrial Disputes Act, 1947, nor can matters covered by that settlement from the subject-matter of conciliation proceedings under section 12 of the Act. The relevant remarks for our present purpose occur at page 820 where a similar question pertaining to an award has been considered. Their Lordship observed:—

"Considerable light is also thrown upon the proper construction of section 19(2) by the provisions contained in that section with regard to an award. An award is a super-imposed decision and the parties to the award have to abide by it whether they like the terms of the award or not, and in the case of an award specific powers are given to Government to curtail its duration, to extend it, and in cases where Government considers that since the award was made there has been a material change in the circumstances on which it was based, to refer the award or part of it to a Tribunal for decision whether the period of operation should not by reason of such change be shortened. Therefore, it is clear that but for this specific provision with regard to an award, the position of an award in law would have been the same as that of a settlement. An award being as binding in its nature as a settlement, the Legislature had to give specific power to the Government to interfere with the finality of that award by empowering Government to refer it to a Tribunal under circumstances mentioned in section 19(4). If the subject-matter of an award or a settlement could be raised as an industrial dispute, then it is clear that there was no reason for the Legislature specifically to confer power upon Government with regard to referring an award for adjudication."

A similar view has also been expressed by the Labour Appellate Tribunal of India at Calcutta in the case of *Indian Industrial Works Ltd. Vs. Engineering Mazdoor Sabha* (1955 II LLJ 675). In the present case admittedly the award of Shri Meher as modified by the Labour Appellate Tribunal was in operation at the date of the Government order of Reference, the period of its operation having been further extended for one year by the Government of India, Ministry of Labour notification No. L.R. 3(1)/57, dated 12th February, 1957. In such a case if the Government desired to make the reference, it should have done so in accordance with section 19(4) which as now amended provides:—

“Where the appropriate Government, whether of its own motion or on the application of any party bound by an award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it (to a Labour Court, if the award was that of a Labour Court or to a Tribunal, if the award was that of a Tribunal or of a National Tribunal) for decision whether the period of operation should not, by reason of such change, be shortened and the decision of (Labour Court or the Tribunal as the case may be) on such reference shall be final.” The Government in making the Reference have not exercised any such power under section 19(4) of the Act and in view of the aforesaid High Court judgment relied on by the parties, the Reference as made in respect of the matter covered under issue No. 1(b) and (c) is not competent so long as the previous award of Shri Meher as modified by the decision of the Labour Appellate Tribunal is in operation. I therefore, find myself unable to proceed with the adjudication in respect of the matter covered under the issue No. 1(b) and (c) and to that extent the Reference fails.

Dated, the 20th December, 1957.

V. D. Vyas,

Central Government Industrial Tribunal.

[No. LR-II/28(2)/58.]

ORDERS

New Delhi, the 21st January 1958

S.R.O. 337.—Whereas the Central Government is of the opinion that an industrial dispute exists or is apprehended between the employers in relation to the M/S. Frontier Construction Co. Assam Oil Company Labour Contractors, Digboi, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the termination of services of Shri Tribhuban Dibedi was justified, and if it was not justified, what relief he is entitled to.”

[No. LR-II-25(1)/58.]

S.R.O. 338.—Whereas the Central Government is of the opinion that an industrial dispute exists or is apprehended between the employers in relation to the Bhalaghat Mine of Central Provinces Manganese Ore Company Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Labour Court, Nagpur constituted under section 7 of the said Act.

SCHEDULE

"Whether the transfer of Shri Saiyed Ally from Bhalaghat Mine to Tirodi Mine and his subsequent termination of service are justified? If not, what relief he is entitled to?"

[No. LR-II-57-2(11)/57.]

A. L. HANDA, Under Secy.